

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BRYON L. REDDICK,

Plaintiff,

v.

Case No: 8:22-cv-2540-KKM-JSS

RON DESANTIS, NICHOLAS MALONE,
RANDALL PEPITONE, AND NICHOLAS URSITTI,

Defendants.

ORDER

Bryon Reddick has failed to file an amended complaint, despite the Court directing him to do so. The Court struck Reddick's original complaint as an impermissible shotgun pleading. See Order (Doc. 2.) Reddick then filed an amended complaint and moved to proceed in forma pauperis. See Am. Compl. (Doc. 3); Mot. to Proceed In Forma Pauperis (Doc. 11). The Magistrate Judge recommended denial of his motion because Reddick's amended complaint was a shotgun pleading in multiple respects. See R&R (Doc. 12). The Court adopted the Magistrate Judge's Report and Recommendation, dismissed Reddick's amended complaint without prejudice, and gave Reddick until May 1, 2023, to file a second amended complaint. See Order (Doc. 13). Reddick has failed to file a second amended complaint or move for an extension of time to file.

When a court dismisses a complaint with leave to amend within a specified time, that order “becomes a final judgment if the deadline to amend expires without plaintiff amending its complaint or seeking an extension of time.” *Auto Alignment & Body Serv., Inc. v. State Farm Mut. Ins. Co.*, 953 F.3d 707, 719 (11th Cir. 2020). Upon expiration of the deadline, “the district court loses all its prejudgment powers to grant any more extensions’ of time to amend the complaint.” *Id.* at 720. Thus, “the only recourse for a plaintiff” is “to appeal,” to “move to alter or amend the judgment,” or to “move for relief from the final judgment.” *Id.* Of course, a plaintiff may also refile the action if the dismissal was without prejudice and is not otherwise barred by the statute of limitations.

Thus, because the court lost power to entertain prejudgment motions when Reddick failed to file an amended complaint by May 1, 2023, this action is dismissed without prejudice.

Accordingly, the following is **ORDERED**:

1. This action is **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk is directed to terminate any pending motions or deadlines, enter judgment in favor of Defendants, and close this case.

ORDERED in Tampa, Florida, on May 2, 2023.


Kathryn Kimball Mizelle
United States District Judge